

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephanopolous *et al.*

Serial No: 10/076,106

Filed: February 13, 2002

For: DYNAMIC WHOLE GENOME
SCREENING METHODOLOGY
AND SYSTEMS

Attorney Docket No. MIN-P01-038

Art Unit: 1639

Examiner: Epperson, Jon D.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

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Andrea Berlo

Andrea Berlo

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Commissioner for Patents
P. O. Box 1450
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AUG 25 2004

Reply to Office Action

TECH CENTER 1600/2000

Sir:

This reply is being filed in response to the Notice of Abandonment mailed on August 10, 2004, in connection with the above application.

In a recent interview, Applicants' agent has discussed with the Examiner concerning the sequence of events leading to the issuance of the Notice of Abandonment, which is summarized below. Applicants also submit supporting evidence related thereto.

The instant application was filed on February 13, 2002 as a U.S. utility application. The Office issued a Filing Receipt, and a Notice to File Missing Parts on March 7, 2002, the latter of which requires Applicants to provide a Sequence Listing complying with 37 C.F.R. 1.821-1.825.

In response, Applicants timely filed a response to the Notice to File Missing Parts on October 7, 2002, which includes: copy of documents associated with the electronic filing of

sequence listing in Computer Readable Format (CRF) as required by 37 C.F.R. 1.821(e) (see attached).

This response was received by the USPTO, as evidenced by the return postcard, which lists the e-filed sequence listing, and was date-stamped by OIPE on October 16, 2002.

Additionally, Applicants' agent also searched PAIR under the serial number of the instant application, and found that, under the "File Contents History" section, entry No. 7 dated October 8, 2002 has indicated that "CRF is Good Technically / Entered into Database." Thus the requirement of 37 C.F.R. 1.821-1.825 has already been met as of October 8, 2002.

However, the Examiner appears to have erroneously issued an Office Communication on October 29, 2003, again requesting Applicants to submit a sequence listing complying with 37 C.F.R. 1.821-1.825. The Office Communication did not refer to the e-filing of the sequence listing already of record.

Nonetheless, Applicants filed a timely response on / about November 18, 2003 to the October 29, 2003 Office Communication. In the response, Applicants point out that the requirement of 37 C.F.R. 1.821-1.825 has already been met. A copy of the response is submitted herewith (see attached).

After the filing of the November, 2003 response, Applicants have received no further correspondence from the Office. After a routine review of file status in PAIR on August 4, 2004, Applicants' agent decided to contact the Examiner to inquire about the status of the application, since there is still no record of the Office having received the November 2003 response.

During an interview with the Examiner on August 5, 2004, the Examiner acknowledged that the e-filed CRF was of record. However, the Examiner also asserted that a response to the October 29, 2003 Office Communication was never received by the USPTO. The Examiner also indicated that the application is technically abandoned since more than six months has passed since the mailing of the October 29, 2003 Office Communication, although a Notice of Abandonment has not yet been issued.

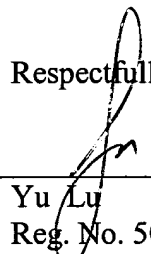
Therefore, the apparent abandonment of the application is unintentional. And Applicants have been diligent to inquire about the status of the application, and to revive the application, even before the Notice of Abandonment was issued.

If there are any other fees due in connection with the filing of this submission, please charge the fees to our **Deposit Account No. 18-1945**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account.

Respectfully Submitted,

Date: August 18, 2004

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